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10/1/96

Madison

September 21, 1996 -

Regulatory Branch
File No. 199610990 -

Chemetco
Post Office Box 67
Hartford, Illinois 62048

File as:

U.S. Army Corps
of Engineers Permit

Gentlemen:

We have reviewed your facsimile of September 20, 1996, requesting emergency authorization to conduct remedial actions for a recent Zinc Oxide spill affecting Long Lake. The clean-up efforts would involve constructing an earthen levee, averaging 2 to 5 feet high and 10 feet wide, around the perimeter of the affected area. A five-foot-high levee with a poly liner and rock cap would be constructed within the perimeter of the earthen levee, directly adjacent to the affected portion of Long Lake, to serve as a containment area. The dammed portion of Long Lake would be dewatered and excavated to remove the presence of Zinc Oxide. This material would be pumped over the adjacent lined and rock capped levee for further remedial action. An unnamed tributary to Long Lake, flowing into the affected area, would have to be diverted around the earthen levee for an approximate 700-foot-long reach to maintain flows. In addition, an approximate 450-foot-long by 25-foot-wide by 4-foot-deep channel would be excavated to keep Long Lake connected below the dammed off portion. The subject activity site is located approximately 4 miles directly south of Hartford, near Oldenburg, in Madison County, Illinois.

We have determined that the proposed project is authorized under Section 404 of the Clean Water Act by existing Department of the Army nationwide permits as described in 33 CFR 330, Appendix A (B) (38). Enclosed is a copy of the nationwide permit, and terms and conditions (marked in red) with which you must comply.

The Illinois Environmental Protection Agency has denied water quality certification for these permits. You must obtain individual water quality certification or generic 401 certification or provide to the Corps a copy of the application to the state for the certification. If the IEPA fails to act within a reasonable period of time (60 days from the date of this letter), a waiver will be presumed. Upon receipt of water quality certification, the proposed work is authorized. If the water quality certification is conditioned by the state, these conditions will become part of the Corps permits. The District Engineer has conditioned this permit to include the following:

a. Any excess material associated with the activities of this project will not be discharged into either aquatic areas or wetland areas.

b. All excess material will be removed to upland sites and not stored or abandoned within the floodplain area.

c. The applicant shall ensure that the project not cause:
(1) violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulations; (2) water pollution as defined and prohibited by the Illinois Environmental Protection Act; and (3) interference with water use practices near public recreation areas or water supply intakes.

d. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of staked straw bales, sedimentation basins and temporary mulching.

e. All impacted areas including, but not limited to, Long Lake, the unnamed tributary, and wetland sites will be returned to their pre-spill and pre-project conditions upon completion of the remedial actions. A restoration plan must be submitted to this office within six months from the date of this letter and all restoration activities must be completed within one year from the date of this letter.

This determination is applicable only to the permit program administered by the Corps of Engineers. It does not eliminate the need to obtain other Federal, state, or local approvals before beginning work.

You are reminded that the permit is based on submitted plans. Variations from these plans shall constitute a violation of Federal law and may result in the revocation of the permit. This verification will be valid until the nationwide permit is modified, reissued, or revoked prior to January 21, 1997. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice announcing the changes when they occur. Furthermore, if you commence, or are under contract to commence, this activity before the date the nationwide permit is modified or revoked you will complete the activity under the present terms and conditions of the nationwide permit.

If the proposed project does not satisfy all conditions as indicated, please contact Charles Frerker at (314) 331-8583 for advice or information you may need in preparing an application for an individual permit.

Sincerely,

MICHAEL S. RICKETTS

Michael Ricketts
Corps/Rivers Project Manager

Enclosure

Copy Furnished: (w/o enclosure)

Mr. Bruce Yurdin
Illinois Environmental Protection Agency
DWPC, Permit Section, Watershed Unit
2200 Churchill Road
Springfield, Illinois 62794-9276

OFF
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FRERKER
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RICKETTS
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MWR
21 SEP 96

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